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SERVICE DATE - AUGUST 14, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-6 (Sub-No. 202)

BURLINGTON NORTHERN RAILROAD COMPANY--ABANDONMENT--
IN LATAH AND NEZ PERCE COUNTIES, ID

Decided: August 11, 1998

On June 1, 1998, the Latah Trail Foundation Inc. (LTF) filed a request under the National Trails System Act, 16 U.S.C. 1247(d), for issuance of a certificate of interim trail use or abandonment (CITU) and a public use condition under 49 U.S.C. 10905 for the right-of-way involved in this proceeding. LTF states that the right-of-way is part of a line of railroad proposed for abandonment and although an authorization for abandonment was issued in 1984, the line was not actually abandoned at that time and "issues pertaining to actual abandonment remain unresolved."¹

A CITU may be issued only if the abandoning railroad concurs. LTF sought the concurrence of The Burlington Northern and Santa Fe Railway Company.² BNSF replied that it had sold the property to the Palouse River & Coulee City Railroad, Inc., on September 6, 1996.³

Because BNSF has sold the line to Palouse River & Coulee City Railroad, Inc., it is no longer in a position to negotiate an interim trail use agreement and consequently LTF's request will be denied. It is, therefore, not necessary to decide here, if and when an abandonment by BNSF actually occurred. Also, the Board's authority to impose conditions for sale of the right-of-way for public use in this proceeding has expired.

¹ By decisions served September 14, 1984, and October 17, 1984, Burlington Northern Railroad Company (BN) was authorized to abandon the line of railroad extending between milepost 86.80 near Moscow, ID, and milepost 123.50 near Arrow, ID, a distance of 36.73 miles, in Latah and Nez Perce Counties, ID. A certificate and decision was issued on October 29, 1984. BN sent the Interstate Commerce Commission (ICC) a letter indicating that the abandonment was effected on March 8, 1985.

² On December 31, 1996, The Atchison, Topeka and Santa Fe Railway Company merged with and into BN. The name of the surviving corporation is The Burlington Northern and Santa Fe Railway Company (BNSF).

³ The right-of-way was acquired by the Palouse River & Coulee City Railroad, Inc., as part of the transaction in Palouse River & Coulee City Railroad, Inc.--Acquisition Exemption--Burlington Northern Railroad Company, STB Finance Docket No. 33041 (STB served Sept. 27, 1996).

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It is ordered:

1. LTF's request is denied.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary